

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES CHESNEY)
Plaintiff,)
vs.) Civil Action No.
LOUIS DeJOY, Postmaster General, UNITED STATES POSTAL SERVICE,) Assigned to Judge
Defendant.) JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT IN CIVIL ACTION

AND NOW, Plaintiff, JAMES CHESNEY, through counsel JOSEPH J. CHESTER, ESQ., files the following Complaint in Civil Action:

PRELIMINARY STATEMENT

1. This is a claim by Plaintiff against Defendant for equitable relief, injunctive relief, money damages, counsel fees, and other relief for employment discrimination and civil rights violations including claim for violations of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is based on 42 U.S.C. Sec. 2000e et seq. (Title VII of the Civil Rights Act of 1964); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 28 U.S.C. Sec. 1343 (Civil Rights Jurisdiction); and 28 U.S.C. Sec. 2201, 2202 (Injunctive and Declaratory Relief).
3. Venue is proper in Western District of Pennsylvania based on 28 U.S.C. Sec. 1331(b) (district where all Defendants reside or in which the claim arose.)

PARTIES

4. Plaintiff is JAMES CHESNEY, citizen of the United States and Commonwealth of Pennsylvania, age within the ADEA age- protected class.
5. Defendant is, POSTMASTER GENERAL, UNITED STATES POSTAL SERVICE, with offices at United States Postal Service, 1001 California Ave., Pittsburgh Allegheny County, PA 15290, a federal agency employer engaged in an industry which affects commerce.

COUNT 1: Plaintiff v. Defendant

(Civil Rights Act of 1964, Age Discrimination in Employment Act)

(CIVIL COMPLAINT IN USPS CASE NO. #4C-150-0001-21)

6. Prior pleadings are incorporated by reference.

7. CONCISE RECITATION OF ALLEGED FACTS AND PROCEDURE:

- a. Plaintiff after initially being subject to discrimination and denied requested reasonable-accommodation job assignments, sustained emotional distress damages, until he was ultimately accorded the requested reasonable-accommodation, and also sustained reimbursed counsel fees damages and other damages.
- b. On Jan. 5, 2021, Plaintiff made formal, timely complaint of discrimination at agency case no. 4C-150-0001-21 [Exhibit A -- Plaintiff is using letters rather than the customary numbers for Exhibits because the Exhibits themselves may have numbered Exhibits attached]; Plaintiff drafted and filed this complaint himself as permitted in Agency EEO proceedings.
- c. Plaintiff began EEO Counseling on this claim on Nov. 2, 2020, and the Counselor's Report, somewhat organizing and explaining Plaintiff's claim in more detail. [Exhibit B]
- d. The Agency EEO Resolution Management Department on Jan. 28, 2021 erroneously rejected the claim as duplicative of an earlier EEO Complaint by Plaintiff CHESNEY. [Exhibit C]
- e. The EEOC Office of Federal Operations agreed with the Agency Resolution Management decision on July 19, 2021 but accorded Plaintiff CHESNEY the right -to-sue in Federal Court. [Exhibit D]

8. Defendant has maintained a policy, practice, custom, or usage of discrimination against Plaintiff and Defendant has acted against Plaintiff and discriminated and is presently discriminating against Plaintiff with respect to formation or enforcement of contracts, wages, terms, conditions, privileges, advantages and benefits of a contract of employment because of Plaintiff's age, over 40 and in the protected ADEA class at the time of the discrimination, and engaged in reprisal / retaliation for prior protected activity, in violation of the Civil Rights Act of 1964.

9. Plaintiff has no plain, adequate and complete remedy at law to redress the wrongs alleged, and this request for injunctive relief is Plaintiff's only means of securing adequate relief. Plaintiff is now suffering and will continue to suffer irreparable injury unless and until Defendant is enjoined by the Court.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests this Court to:

10. Declare Defendant's actions violated the Civil Rights Act of 1964, and Age Discrimination in Employment Act of 1967, as amended;

11. Permanently enjoin Defendant from engaging in the practices and discrimination complained of and ordering rightful-place reinstatement as appropriate;

12. **Restore rights, privileges, benefits, and income which Plaintiff would have received but for Defendant's practices and discrimination, including compensatory damages, general damages (including emotional distress damages), back pay, lost benefits, and award prejudgment interest on back pay;**
13. **Award to Plaintiff attorney's fees and costs pursuant to 42 U.S.C. Sec. 1988;**
14. **Grant such other relief as may be just.**

A JURY TRIAL IS DEMANDED AS TO THIS CLAIM.

COUNT 2: Plaintiff v. Defendant

(Civil Rights Act of 1964, Age Discrimination in Employment Act)

(CIVIL COMPLAINT IN USPS CASE NO. #4B-150-0036-21)

15. **Prior pleadings are incorporated by reference.**
16. **CONCISE RECITATION OF ALLEGED FACTS AND PROCEDURE:**
 - a. **Plaintiff after initially being subject to discrimination and denied procedurally proper investigation of alleged misconduct, sustained emotional distress damages, and also sustained reimbursed counsel**

fees damages and other damages.

- b. On Aug. 27, 2021, Plaintiff made formal, timely complaint of discrimination at agency case no. 4B-150-0036-21 [Exhibit E];
 - c. The Agency EEO Resolution Management Department on Sept. 15, 2021 erroneously rejected the claim as inconsequential [Exhibit F] but accorded Plaintiff CHESNEY the right -to-sue in Federal Court.
17. Defendant has maintained a policy, practice, custom, or usage of discrimination against Plaintiff and Defendant has acted against Plaintiff and discriminated and is presently discriminating against Plaintiff with respect to formation or enforcement of contracts, wages, terms, conditions, privileges, advantages and benefits of a contract of employment because of Plaintiff's age, over 40 and in the protected ADEA class at the time of the discrimination, and engaged in reprisal / retaliation for prior protected activity, in violation of the Civil Rights Act of 1964.
18. Plaintiff has no plain, adequate and complete remedy at law to redress the wrongs alleged, and this request for injunctive relief is Plaintiff's only means of securing adequate relief. Plaintiff is now suffering and will continue to suffer irreparable injury unless and until Defendant is enjoined by the Court.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests this Court to:

- 19. Declare Defendant's actions violated the Civil Rights Act of 1964, and Age Discrimination in Employment Act of 1967, as amended;**
- 20. Permanently enjoin Defendant from engaging in the practices and discrimination complained of and ordering rightful-place reinstatement as appropriate;**
- 21. Restore rights, privileges, benefits, and income which Plaintiff would have received but for Defendant's practices and discrimination, including compensatory damages, general damages (including emotional distress damages), back pay, lost benefits, and award prejudgment interest on back pay;**
- 22. Award to Plaintiff attorney's fees and costs pursuant to 42 U.S.C. Sec. 1988;**
- 23. Grant such other relief as may be just.**

A JURY TRIAL IS DEMANDED AS TO THIS CLAIM.

RESPECTFULLY SUBMITTED,

/s/ Joseph J. Chester

**Joseph J. Chester, Attorney for
Plaintiff JAMES CHESNEY**

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